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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,962	04/15/2004	John M. Miller	GLOBP102USA	7469
23623 7590 12/22/2008 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114				
EXAMINER BUGG, GEORGE A				
ART UNIT 2612		PAPER NUMBER		
NOTIFICATION DATE 12/22/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/824,962

Applicant(s)

MILLER ET AL.

Examiner

GEORGE A. BUGG

Art Unit

2612

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 09222008

DETAILED ACTION

1. Claims 51-71 are currently pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 51-55, 59-65, 69, and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,381,603 B1 to Chan et al.
4. With regard to independent claims 51, 61, and 71, the Abstract and Figures 4 and 10 disclose a gps system and searchable database (maintaining an index of information sources) for receiving a search query, and returning (transmission of and reception of) search results based on that query. Inherently this information would include a communications device identifier since Chan teaches that the information or data is being returned to the device that initiated the query. In addition, Figures 5 and 6 both show a search term (54) and a distance or range (53), as well as current position (52), which is further disclosed in column 6, lines 11-26. As stated above, Chan

teaches transmission of, and reception of search results pertaining to the query. As shown in Figure 6, the query returns a list of one or more information sources (60), wherein merchant names and locations can be considered to be an information sources. Chan further inherently teaches that any and all information returned to the gps unit is associated with a location code, since the current location of the gps unit is known, as well as location information for each merchant. Furthermore, Figures 5 and 6 clearly show that the information received, as a result of the search query, is within a specific geographic region, relative to the search distance, which Chan discloses in column 6, lines 26-42 as Zip code, City, or State. It should further be noted that Chan also teaches that the process and method of his invention is carried out using programs or instructions, as stated in column 4, lines 35-41, column 5, lines 48-55, and column 8, lines 38-47.

5. As for claims 52 and 62, Chan teaches querying a database based on search criteria such as zip code, city, or state. Search results returned, i.e. merchant names or information sources, are therefore associated with a location code (either current position of gps unit or actual location of merchant) in a specific geographic region (zip, city, state), such information is inherently encoded and returned with the search results.

6. As for claims 53 and 63, column 4, lines 35-49, disclose use of the Internet (network) as a data source.

7. As for claims 54, 55, 64, and 65, as shown in Figures 5 and 6, and further taught in column 6, lines 13-27, the current position of the communications device is indicated

on the communications device itself and can be determined locally at the unit itself, can be inputted by a user, or can be determined by way of gps satellites.

8. With regard to claims 59 and 69, Figures 11 and 12, as well as column 9, lines 45-49, disclose the use of time criteria, which is associated with an event, and therefore inherently would include time of day, as well as day, or date of the event.

9. As for claims 60 and 70 the Figures of Chan clearly show relevant data being visually indicated on a display.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 56 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,381,603 B1 to Chan et al.

12. With regard to claims 56 and 66, Chan teaches all of the limitations of these claims based on their dependencies on independent claims 21, 31, 41, and 48 respectively, however fails to specifically disclose an Internet website as an information source, but does in fact teach the use of the Internet throughout the disclosure in a multiplicity of locations, such as columns 2, 4, and 5, and that information is transmitted to the display unit by way of the internet. Therefore it would have been obvious to one

of ordinary skill in the art to include a web site of a specific merchant or desired location as a source of information since the system is already connected via the internet and search criteria is established by the user.

13. Claims 57, 58, 67, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,381,603 B1 to Chan et al., in view of US Patent No. 6,252,544 B1 to Hoffberg.

14. With regard to claims 57, 58, 67, and 68, while Chan does not specifically disclose the use of a demographic code or displaying demographic information, Hoffberg (column 25, lines 49-65, and Abstract) teaches that events, which could include advertisements based on user demographics and geographic GPS location, can be sent to and displayed on a communication device. That is to say that the data returned to the communication device is user dependent, and variables that affect such information can be based on a particular demographic, wherein said demographic is also search history dependent because the search query is determined by the user's needs and desires. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Chan and Hoffberg to create a system in which demographic information is automatically sent based on user preferences, time of day, and current location, for the purpose of conveying additional information to a user in a specific geographic region, and additionally as a way to subsidize the cost of a large scale communications system by generating revenue in the form of advertisements.

Response to Arguments

15. Applicant's arguments with respect to claims 51-71 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **GEORGE A. BUGG** whose telephone number is

(571)272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George A Bugg
Primary Examiner
Art Unit 2612

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December 17, 2008